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MEMORANDUM

TO: Local Boards of Health

FROM: Priscilla Neves, Director
Food Protection Program

DATE: October 19, 2007

RE: Time as a Public Health Control, Variance Requirement

This memorandum is relative to retail food establishments, in particular fast-food-type chain restaurants, which hold potentially hazardous food items, such as processed pasteurized cheese, sliced ham, pizza, etc., at room temperature for a period of time. In Massachusetts, retail food establishments must obtain a variance from the board of health prior to using time as a public health control (TPHC) in accordance with 105 CMR 590.004(H) and the federal 1999 Food Code, section 3-501.19, which allows a four-hour time period. Documents pertaining to TPHC can be found on the FPP website at <http://www.mass.gov/dph/fpp/retailfood>.

At this time, Massachusetts has not adopted the federal 2005 Food Code which has revised the definition of "Potentially Hazardous Food (PHF)" to "Potentially Hazardous Food (Time/Temperature Control for Safety Food)" and section 3-501.19, which allows a four-hour and a six-hour time period for TPHC. Some retail food establishments may be using the federal 2005 Food Code requirements for TPHC; however, the board of health should request a variance and verify that the proper procedures are being followed during an inspection regardless of which Food Code is being used by industry.

During an inspection, the board of health should verify the following:

- *Written procedures (HACCP plan) are approved, maintained in the food establishment and available for review.*
- *Pre-requisites are met (i.e. compliance with 105 CMR 590.000; calibrated thermometers)*
- *Using monitoring procedures (i.e. food is marked to indicate the time limit)*
- *Food employees have knowledge of corrective actions*
- *Evidence of employee training*
- *Manager's records are available and accurate.*

If non-compliance with approved written procedures is found, the board of health should take corrective action by suspending TPHC operations immediately and, if needed, notify the Food Protection Program. If local boards of health have any questions or need assistance reviewing HACCP and risk-control plans, they should contact the Food Protection Program at 617-983-6712 or Diane Bernazzani, Food Safety Specialist, at 617-983-6765.